

**BOARD OF APPEALS  
for  
MONTGOERY COUNTY**

**Stella B. Werner Council Office Building  
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[www.montgomerycountymd.gov/mc/council/board.html](http://www.montgomerycountymd.gov/mc/council/board.html)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, September 10, 2003, 9:00 A.M.**

**ACTION CALENDAR:**

1. **Minutes**, July 23, 2003 Worksessions.

Action: Approved as amended, (LLM/AMC, 4-0).

2. **A-5158, Petition of Neil Gurvitch** (single-family dwelling). Letter to the Board from James C. Glascock, P.E, requesting an extension to implement.

Action: Denied extension to implement, (LLM/AIF, 4-0).

3. **A-5885, Petition of Crawford Ellerbe** (one-story addition). Request to the Board for reconsideration from the petitioner.

Action: Denied request for reconsideration, (AIF/AMC, 4-0). A disability finding under the ADA requirements would be a basis for reasonable accommodations under the Zoning Ordinance.

4. **CBA-943 [CBA-1072], Petition of Jeffrey R. Kishner, t/a Plants Alive** (horticultural nursery and commercial greenhouse). Letter to the Board from the petitioner requesting an administrative modification.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0).

5. **CBA-1174-D, Petition of Holton Arms School, Inc.** (private educational institution), **S-2467-A, Petition of Holton Arms School, Inc.** (child day care facility), **S-2503-A, Petition of Holton Arms School, Inc.** (summer day camp). Letter to the Board from Elsie L. Reid, Esquire, requesting the consolidation of the cases and the waiver of two of the filing fees.

Action: Granted the consolidation of the cases and the waiver of tow of the filing fees, (AIF/LLM, 4-0).

6. **CBA-1571, Petition Mater Dei School, Inc.** (private educational institution). Letter to the Board from Elsie L. Reid, Esquire, requesting an administrative modification.

Action: Granted administrative modification, (AIF/LLM, 4-0).

7. **CBA-2501, Petition of Julian Venezky** (home occupation). Memorandum to the Board from Barbara J. Piczak, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (AMC/LLM, 4-0).

8. **CBA-2512, Petition of Stanley P. Stabler and Dr. Roger I Scullin** (private riding stable). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

9. **CBA-2589, Petition of American Oil Company** (automobile filling station). Memorandum to the Board from Stanley N. Garber, Esquire, requesting a Show Cause Hearing.

Action: Rev \_\_\_\_\_

10. **CBA-2711, Petition of Eldorado Towers Day Nursery, Inc.** (child day care facility). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from David P. McPherson, PCAM, General Manager, Rosemary Village Cooperative.

Action: Revoked special exception as abandoned, (AIF/LLM, 4-0).

11. **CBA-2846, Petition of Alan S. Weisberg, D.D.S.** (non-resident medical practitioner). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the petitioner.

Action: Revoked as abandoned, (LLM/AIF, 4-0).

12. **S-411-C and A-5722, Petition of The French International School** (private educational institution). Letter to the Board from Jody S. Kline, Esquire, withdrawing the special exception and the administrative appeal.

Action: Dismissed as withdrawn, (AIF/LLM, 4-0).

13. **S-538-C, Petition of Aspen Hill Racquet Club** (private club and service organization). Letter to the Board from Robert H. Metz, Esquire, and Anne E. Martin, Esquire, requesting revision to language of the Board's Opinion.

Action: Adopted revision of the language of the Board's dated 7/15/03 per Mr. Metz and Ms. Martin's letter, (AMC/LLM, 4-0).

14. **S-647, Petition of National Delicatessen, Inc.** (delicatessen in an office building). Memorandum to the Board from Barbara J. Piczak, Inspector, DPS, notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Leigh B. Jackson, Assistant Vice President, Leasing, East West Towers.

Action: Revoked as abandoned, (LLM/AMC, 4-0).

15. **S-701, Petition of Peter Harvey t/a Fitness World, Inc.** (recreational establishment). Letter to the Board from Amy DiPasquale, Director of Operations, requesting an administrative modification.

Action: Schedule Show Cause Hearing, (AIF/LLM, 4-0).

16. **S-829, Petition of Potomac Polo Club, Inc.** (private club). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/AIF, 4-0.)

17. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool, consensus.

18. **S-882, Petition of Germantown Gardens** (horticultural nursery and commercial greenhouse). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/AMC, 4-0).

19. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification.

Action: Deferred for review by M-NCPPC Technical Staff, consensus.

20. **S-1431, Petition of R. J. Landscape Contractor, Inc.** (landscape contractor). Letter to the Board from Lisa Nicholson requesting a transfer of the special exception.

Action: Deferred for re-inspection of the special exception by DPS, consensus.

21. **S-1456, Petition of The Concord Hill School** (private educational institution). Letter to the Board from Stephen P. Elmendorf, Esquire, and Mark M. Viani, Esquire, requesting an administrative modification. Also included is memorandum from Stanley N. Garber, Investigator, DPS, rescinding the Show Cause Hearing request. (Large exhibits: site plan–minor modification, site plan–special exception plan, and site plan–locations of improvements).

Action: (1) Rescinded Show Cause Hearing; (2) granted administrative modification, (AIF/LLM, 4-0).

22. **S-1830, Petition of Harald Leuba** (accessory apartment). Memorandum to the Board from Lynn McCreary, Housing Code Inspector, Department of Housing and Community Affairs (DHCA) requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (AMC/AIF, 4-0).

23. **S-1852, Petition of Elaine G. Bernstein** (accessory apartment). Letter to the Board from Susan Silverstein requesting a transfer of the special exception.

Action: Granted transfer of the special exception, (AMC/AIF, 4-0).

24. **S-1907, Petition of Norman and Mary Frances Miller** (accessory apartment). Letter to the Board from Henry and Linda Lane notifying the Board that the special exception has been abandoned and requesting that it be revoked.

Action: Revoked special exception as abandoned, (LLM/AMC, 4-0).

25. **S-2153, Petition of American PCS, L.P.** (public utility buildings, public utility structure and telecommunications facility). Memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing.

Action: Schedule Show Cause Hearing, (LLM/AIF, 4-0).

26. **S-2217, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Edward D. Purich, President, Cloverly Civic Association, requesting a public hearing.

Action: Deferred action for contact with petitioner and other parties involved with the special exception, consensus.

27. **S-2378, Petition of Marvin R. Mark** (accessory apartment). Inspection report from Robert Dejter, Housing Code Field Supervisor, DHCA.

Action: (1) Re-opened the record to include Mr. Dejter's memorandum; (2) rescinded Show Cause Hearing, (AIF/LLM, 4-0).

28. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from James C. Glascock, P.E., requesting an administrative modification. (Large exhibits: revised site plan, revised landscape and lighting plan, approved site plan, and approved landscape and lighting plan).

Action: Granted administrative modification, (AIF/LLM, 4-0).

29. **S-2543, Petition of Gail Transeau** (riding stable). Letter to the Board from E. B. Harmse requesting reconsideration or a public hearing.

Action: (1) Denied reconsideration request; (2) 7/9/03 and 9/10/03 reconsideration requests will be issued as a single resolution, (LLM/AIF, 4-0).

#### **DECISION ITEM:**

30. Resolution to Refer Case Nos. CBA-1174-D; CBA-1389-E; CBA-2180-A; S-447-A; S-518-B; S-2503-A; S-2467-A; S-2571 (A-5910); S-2582; S-2585; S-2586; and S-2587 to the Office of the Hearing Examiner.

Action: Referred cases to the Office of the Hearing Examiner, (LLM/AMC, 4-0).

#### **PENDING ITEMS:**

31. **CBA-916 [S-615], Petition of The Public Health Service Club, Inc. and The Foundation for Advanced Education in the Sciences, Inc.** (private club). Letter to the Board from Lois W. Kochanski, Executive Director, requesting an administrative modification and the deletion of one of the special exception holders. Item deferred for confirmation of the deletion of Public Health Service Club as a special exception holder.

**PENDING ITEMS (continued):**

32. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.
33. **CBA-2180 and S-254, Petition J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.
34. **CBA-2196, Petition Chevron U.S.A.** (automobile filling station). Letter to the Board from C. Robert Dalrymple, Esquire, and Yum Yu Cheng, Esquire, requesting a transfer and an administrative modification. (Large exhibits: concept plan, survey and plot plan). Request referred to staff for comment.
35. **S-550, Petition of Moussa Moaadel** (antique shop). Letter to the Board from Shirley Sardino requesting a transfer of the special exception. Item deferred to the Board's next Worksession to permit staff to contact Ms. Sardino.
36. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.
37. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

**Board Members**

Donald H. Spence, Jr., Chairman  
Donna L. Barron, Vice Chairman - ABSENT  
Louise L. Mayer  
Angelo M. Caputo  
Allison Ishihara Fultz

**Staff**

Katherine Freeman, Executive Secretary to the Board  
Hermene Jones, Administrative Specialist